## Executive Summary – Enforcement Matter – Case No. 43853 Federal Aviation Administration RN105513006 Docket No. 2012-0678-PST-E

**Order Type:** 

1660 Agreed Order

**Findings Order Justification:** 

N/A

Media:

**PST** 

**Small Business:** 

No

Location(s) Where Violation(s) Occurred:

HUB ALSF, Hobby Airport Runway 4, Houston, Harris County

Type of Operation:

Underground storage tank ("UST") system for an emergency back up generator

**Other Significant Matters:** 

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 19, 2012

Comments Received: No

## **Penalty Information**

**Total Penalty Assessed:** \$8,500

**Amount Deferred for Expedited Settlement:** \$1,700 **Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$6,800 **Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:** 

Person/CN - Average

Site/RN – Average by Default

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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## **Investigation Information**

**Complaint Date(s):** N/A

**Complaint Information**: N/A

Date(s) of Investigation: July 5, 2011 and February 28, 2012

Date(s) of NOE(s): February 28, 2012

## Violation Information

- 1. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on January 31, 2011 [30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST. Specifically, one fuel delivery was accepted without a valid delivery certificate [30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)].
- 3. Failed to provide proper corrosion protection for the UST system [30 Tex. Admin. Code § 334.49(a) and Tex. Water Code § 26.3475(d)].
- 4. Failed to monitor the UST system for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)].
- 5. Failed to provide release detection for the suction piping associated with the UST system. Specifically, the annual piping tightness test had not been conducted [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(b)].
- 6. Failed to maintain UST records and make them immediately available for review upon request by agency personnel [30 Tex. ADMIN. CODE § 334.10(b)].

# Corrective Actions/Technical Requirements

# **Corrective Action(s) Completed:**

N/A

# **Technical Requirements:**

The Order will require the Respondent to:

- a. Immediately:
- i. Begin maintaining all UST records and ensure they are made immediately available for inspection upon request by agency personnel; and

## Executive Summary – Enforcement Matter – Case No. 43853 Federal Aviation Administration RN105513006 Docket No. 2012-0678-PST-E

ii. Cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form.

- b. Within 30 days:
- i. Install and implement a corrosion protection system for the UST system at the Facility; and
- ii. Implement a release detection method for the UST and the piping associated with the UST system at the Facility.
- c. Within 45 days, submit written certification demonstrating compliance.

## Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

## **Contact Information**

**TCEO Attorney:** N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division,

Enforcement Team 7, MC 128, (713) 767-3682; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412.

TCEQ SEP Coordinator: N/A

**Respondent:** Gregory A. Bush, Manager, HTSC, Federal Aviation Administration,

16600 John F. Kennedy Boulevard, Houston, Texas 77032

**Respondent's Attorney:** N/A

#### Penalty Calculation Worksheet (PCW) PCW Revision October 30, 2008 Policy Revision 2 (September 2002) 5-Mar-2012 Assigned Screening 26-Mar-2012 EPA Due PCW 27-Mar-2012 RESPONDENT/FACILITY INFORMATION Respondent Federal Aviation Administration Reg. Ent. Ref. No. RN105513006 Major/Minor Source Minor Facility/Site Region 12-Houston CASE INFORMATION No. of Violations 5 Enf./Case ID No. 43853 Docket No. 2012-0678-PST-E Order Type 1660 Media Program(s) Petroleum Storage Tank Government/Non-Profit Yes Enf. Coordinator Philip Aldridge Multi-Media EC's Team Enforcement Team 7 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section **TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$8,500 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$0 **Compliance History** Subtotals 2, 3, & 7 0.0% Enhancement Notes No adjustment for compliance history. Culpability Subtotal 4 \$0 No 0.0% Enhancement The Respondent does not meet the culpability criteria. Notes **Good Faith Effort to Comply Total Adjustments** Subtotal 5 \$0 0.0% Enhancement\* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts \*Capped at the Total EB \$ Amount \$1,028 Approx. Cost of Compliance \$8,500 SUM OF SUBTOTALS 1-7 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% \$0 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$8,500

STATUTORY LIMIT ADJUSTMENT

Notes

**PAYABLE PENALTY** 

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only;

\$8,500

-\$1,700

\$6,800

Final Assessed Penalty

Reduction

Adjustment

20.0%

Deferral offered for expedited settlement.

Screening Date 26-Mar-2012

Docket No. 2012-0678-PST-E

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent Federal Aviation Administration

Case ID No. 43853

Reg. Ent. Reference No. RN105513006

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Philip Aldridge

Component	Number of	Enter Number Here	Adjus
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Pie	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
0 0,10	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2
at Violator (			
No	Adjustment Per	centage (Sub	totai 3
pliance Histo	ory Person Classification (Subtotal 7)		3441111
Average Pe	erformer Adjustment Per	centage (Subt	total 7
pliance Histo	ry Summary		
Compliance History Notes	No adjustment for compliance history.		

The state of the s	Federal Aviation Administration	Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No. Media [Statute] Enf. Coordinator Violation Number	RN105513006 Petroleum Storage Tank	PCW Revision October 30, 2008
Rule Cité(s)	30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(i	0
Violation Description	Failed to renew a previously issued underground storage tank ("US" certificate by submitting a properly completed UST registration and se form at least 30 days before the expiration date. Specifically, the certificate expired on January 31, 2011.	lf-certification
		Base Penalty \$10,000
>> Environmental, Proper	ty and Human Health Matrix Harm Major Moderate Minor	
OR Actual Potential		%
>>Programmatic Matrix Falsification	Major Moderate Minor	
	x Percent 10	<u>%</u>
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment	\$9,000
		\$1,000
Violation Events  Number of N	Violation Events 2 420 Number of violati	on days
A A A A A A A A A A A A A A A A A A A	daily	
mark only one with an x	weekly monthly quarterly semiannual annual x	ase Penalty \$2,000
	Single event	
Two annual ex	vents are recommended from the January 31, 2011 expiration date to the 2012 screening date.	ne March 26,
Good Faith Efforts to Com	ply 0.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer	\$0
	Extraordinary Ordinary	
	N/A x ((mark with x)  The Respondent does not meet the good faith criteria for this violation.	
	,	on Subtotal \$2,000
Economic Benefit (EB) for  Estimate	this violation Statutory Lin ed EB Amount \$114 Violation Final Pe	
	This violation Final Assessed Penalty (adjusted	

o. Ent. Kererence No.	RN105513006	,					
	Petroleum Sto					Percent Interest	Years of Depreciation
violation ivo.	1					5.0	1;
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	<u>\$0</u>	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$100	28-Feb-2012	26 5 - 2012	0.00	\$0 \$4	n/a n/a	\$0 \$4
Notes for DELAYED costs	certification fo	rm. The Date Red	quired is the re	cord re compli		Final Date is the est	imated date o
	ANNUAL	IZE [1] avoided	costs before	enterir	ng item (except l	for one-time avoid	ed costs)
Avoided Costs		7/		0.00	\$0	\$0	\$0
Avoided Costs		JLL					
				0.00	\$0	\$0	\$0
Disposal Personnel				0.00	\$0	\$0	\$0 \$0
Disposal Personnel pection/Reporting/Sampling Supplies/equipment				0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	\$100	31-Jan-2011	28-Feb-2012	0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0

Screening Date		PCW
	Federal Aviation Administration	Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.		PCW Revision October 30, 2008
	Petroleum Storage Tank	
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.	3467(a)
Violation Description	Failed to make available to a common carrier a valid, current TCEQ certificate before accepting delivery of a regulated substance into the Specifically, one fuel delivery was accepted without a valid delivery of	ne UST.
	Ва	ase Penalty \$10,000
>> Environmental, Prope	rty and Human Health Matrix	
	Harm	***
Release OR Actua		
Potentia		6
		neur
>>Programmatic Matrix Falsification	Major Moderate Minor	
raisincación	Percent 0%	6
	A three transfers of the transfer of the transfers of the	
	th or the environment will or could be exposed to insignificant amounts of	
Notes which would	not exceed levels that are protective of human health or environmental rec result of the violation.	ceptors as a
<u> </u>	Color of the Woodson Co. In page 194119-1951	<u> </u>
	Adjustment	\$9,500
		\$500
		3300
/iolation Events		
Number of	Violation Events 1 1 Number of violation	n days
ramber or	Volume 1	
	dally	
	weekly monthly	
mark only one	quarterly Violation Ba	se Penalty \$500
with an x	semiannual	
	annual	
	single event x	
	One single event is recommended.	
Good Faith Efforts to Com	ply 0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	
	Ordinary	-
	N/A X ((mark with x)	1
	Notes The Respondent does not meet the good faith criteria for	
	this violation.	
		-
	Violatio	n Subtotal \$500
conomic Benefit (EB) for	this violation Statutory Limi	t Test
Estimat	ed EB Amount \$0 Violation Final Per	iaity rotai \$500
	This violation Final Assessed Penalty (adjusted	for limits) \$500

	ta di	conomic	penent	wo	rksheet		
Respondent	Federal Aviation	on Administration					
Case ID No	43853						
ea, Ent. Reference No	RN105513006	,					
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.		_				rertent interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Berger, er er sammer ar er	EB Amount
Item Description		properties of the contract of the con-					
ANGIN PUSA IPMO	t no commiss ur p						
Delayed Costs							
Delaved Costs Equipment	` <u> </u>	T		0.00	\$0	\$0	\$0
Equipment Buildings		<del> </del>		0.00	\$0 \$0	\$0 \$0	\$0
Other (as needed)		<del> </del>		0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	<u>\$0</u>
Land		1		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs				fit inclu	\$0 ded in violation no	n/a . 1.	\$0
Notes for DELAYED costs  Avoided Costs	ANNUAL			fit inclu	\$0 ded in violation no ng item (except i	n/a . 1. for one-time avoid	\$0
Notes for DELAYED costs  Avoided Costs  Disposal	ANNUAL			fit includentering	\$0  ded in violation no  ng item (except i	n/a . 1. For one-time avoid	\$0  led costs)  \$0
Notes for DELAYED costs  Avoided Costs  Disposal  Personnel	ANNUAL			enterir	\$0  ded in violation no  ng item (except i  \$0  \$0	n/a . 1. for one-time avoid \$0 \$0	\$0 ded costs) \$0 \$0
Notes for DELAYED costs  Avoided Costs  Disposal  Personnel  spection/Reporting/Sampling	ANNUAL			enterir 0.00 0.00 0.00	\$0  ded in violation no  ng item (except 1  \$0  \$0  \$0	n/a . 1.  for one-time avoic \$0 \$0 \$0 \$0	\$0  ded costs)  \$0  \$0  \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL			enterir 0.00 0.00 0.00 0.00	\$0  ded in violation no  ng item (except 1  \$0  \$0  \$0  \$0  \$0	n/a . 1.  For one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$0 led costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			enterir   0.00   0.00   0.00   0.00   0.00	\$0  ded in violation no  ng item (except	n/a . 1.  for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel  spection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]  ONE-TIME avoided costs [3]	ANNUAL			enterir   0.00   0.00   0.00   0.00   0.00   0.00	\$0  ded in violation no  ng item (except i  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0	n/a . 1.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 led costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			enterir   0.00   0.00   0.00   0.00   0.00	\$0  ded in violation no  ng item (except	n/a . 1.  for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNUAL			enterir   0.00   0.00   0.00   0.00   0.00   0.00	\$0  ded in violation no  ng item (except i  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0	n/a . 1.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 led costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL			enterir   0.00   0.00   0.00   0.00   0.00   0.00	\$0  ded in violation no  ng item (except i  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0	n/a . 1.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	S ANNUAL			enterir   0.00   0.00   0.00   0.00   0.00   0.00	\$0  ded in violation no  ng item (except i  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0	n/a . 1.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]  ONE-TIME avoided costs [3]  Other (as needed)	ANNUAL			enterir   0.00   0.00   0.00   0.00   0.00   0.00	\$0  ded in violation no  ng item (except i  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0	n/a . 1.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNUAL			enterir   0.00   0.00   0.00   0.00   0.00   0.00	\$0  ded in violation no  ng item (except i  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0	n/a . 1.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 led costs) \$0 \$0 \$0 \$0 \$0

	ening Date		الله الله الله الله الله الله الله الله	Docket No. 2012-0678-PST-E	PCW
	lespondent Case ID No.	Federal Aviation	Administration		Policy Revision 2 (September 2002)  PCW Revision October 30, 2008
Reg. Ent. Ref					PCW Revision October 30, 2008
		Petroleum Storag	ge Tank		
	Coordinator				
Viola	ation Number	3			
	Rule Cite(s)	30 Tex. A	Admin. Code § 334.	49(a) and Tex. Water Code § 26.347	5(d)
Violatio	n Description	Failed I	to provide proper co	prosion protection for the UST system	n.
					<u> </u>
				Ba	se Penalty \$10,000
•					*
>> Environme	ntal, Proper	ty and Huma	n neaith Matri Harm	<b>X</b>	
	Release	Major	Moderate Min	or	
OR	Actual	<u> </u>			
	Potential	<u> </u>	<u> </u>	Percent 25%	on .
>>Programma	tic Matrix				
Ī	Falsification	Major	Moderate Min		-
	L			Percent 0%	<u> </u>
Matrix				exposed to pollutants which would ex	
Notes	that are p	rotective of numa	in nealth or environ	mental receptors as a result of the vic	Diation.
					*7.500l
				Adjustment	\$7,500
					\$2,500
Violation Even					
VIOIALIUII EVEIII	•				
	Number of '	Violation Events	1	27 Number of violation	days
		daily			- 10 m
		weekly			III.
		monthly	×		
	mark only one with an x	quarterly		Violation Bas	se Penalty \$2,500
		semiannual			
		annual single event			
		. · · · · · · · · · · · · · · · · · · ·			
	One monthly	event is recomme	ended from the Feb	ruary 28, 2012 record review date to	the March
			26, 2012 scre		
	L				
Good Faith Effo	orts to Com	ply	0.0% Reduct		\$0
		Extraordinary	Before NOV NOV to E	EDPRP/Settlement Offer	
		Ordinary			
		N/A	X (mark w	ith x)	_
			The Respondent doe	s not meet the good faith criteria for	
		Notes	ine Kespondent doe	this violation.	·
		· .			
				Violation	Subtotal \$2,500
<b>.</b>	e. /				•
Economic Bene	erit (FR) tor	this violation		Statutory Limit	t 162t
	Estimat	ed EB Amount		621 Violation Final Pen	alty Total \$2,500
			This violation	Final Assessed Penalty (adjusted f	for limits) \$2,500
			ing violation	Added to charty (adjusted t	\$2,550

		conomic	Benefit	wo	rksneet		
Case ID No.	43853	on Administration			er inn 1980 og skriver og finkelde en 1811	3343	
	Petroleum Sto					Percent Interest	Years of
Violation No.	3						Depreciation
						5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs		tion of the second section of the second					
Equipment	\$6,000	5-Jul-2011	26-Dec-2012	1.48	\$30	\$592	\$621
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0 \$0
Record Keeping System	<u></u>			0.00	\$0	n/a	\$0 \$0
Training/Sampling	<u></u>			0.00	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal	<u> </u>			0.00	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed)	<u></u>			0.00	\$0 \$0	n/a	\$0 \$0
Notes for DELAYED costs		p					S trie illitial
No 49808888 (88888) <u>- 1</u> 8008				I Date		ate of compliance.	is the initial
Avoided Costs	ANNUAL			l Date	ng item (except i	ate of compliance.  For one-time avoice	led costs)
Disposal	ANNUAL			l Date Interir 0.00	ng item (except i	ate of compliance.  for one-time avoid  \$0	led costs) \$0
Disposal Personnel	ANNUAL			nterir 0.00 0.00	ng item (except i \$0 \$0	ate of compliance.  For one-time avoid  \$0  \$0	led costs) \$0 \$0
Disposal Personnel spection/Reporting/Sampling	ANNUAL			nterir 0.00 0.00 0.00	ng item (except i \$0 \$0 \$0	or one-time avoic  \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL			nterir 0.00 0.00 0.00 0.00	s0 \$0 \$0 \$0 \$0 \$0	or one-time avoid  \$0  \$0  \$0  \$0  \$0  \$0  \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			nterir 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	or one-time avoid  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL			nterir 0.00 0.00 0.00 0.00	s0 \$0 \$0 \$0 \$0 \$0	or one-time avoid  \$0  \$0  \$0  \$0  \$0  \$0  \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL			nterir 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ate of compliance.  for one-time avoid  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

>> Environmental, Property and Human Health Matrix  Harm  Release Major Moderate Minor  OR Actual Potential X Percent 25%  >> Programmatic Matrix Falsification Major Moderate Minor Percent 0%  Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  Adjustment \$7,500			26-Mar-2012		<b>t No.</b> 2012-0678-PST-E	PCW
Reg. Ent. Reference No. RN 105313006 Media [Statute] Petroleum Storage Tank Enf. Coordinator Philip Alandage Violation Number Rule Cite(s)  70 Tex. Admin. Code § 334.50(b)(1)(A) and (b)(2) and Tex. Water Code § 26.5475(b) and (c)(1)  Falled to monitor the UST for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Also, failed to provide release detection for exceed 35 days between each monitoring). Also, failed to provide release detection for exceed 35 days between each monitoring). Also, failed to provide release detection for exceed 35 days between each monitoring). Also, failed to provide release detection for exceed 15 days between each monitoring). Also, failed to provide release detection for exceed fieldly, the united and training to the exceeding plant of the exceeding plant from the field of the exceeding plant from the field of the exceeding plant from the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  **Notes**  **Notes**  **Note Text and **Note of the february 28, 2012 record review date to the March 25, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 25, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Service event.**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Service event.**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **The Respondent does not meet the good faith criteria for the violation 500 to 2018 screening date.  **Violation Fund Penalty Total 25, 2500 total penalty 100 to 2018 faith 100 to 2018 fa		r • radio de la companya de la comp		on		, , ,
Section   Palip Aindrage   Statustry   Section   Secti						
Violation Number   4   30 Tex. Admin. Code § 334.50(b)(1)(A) and (b)(2) and Tex. Water Code § 26.3475(b) and (c)(1)						
Rule Cite(s)  30 Tex. Admin. Code § 334-50(b)(1/(1/n) and (b)(2) and Tex. Water Code § 26.3475(b) and (c)(1)  Violation Description  Violation Description  Falied to monitor the UST for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Also, failed to provide release detection for the suction piping associated with the UST system. Specifically, the trennial piping tightness test had not been conducted.  **Release Major Moderate Minor Percent 25%  **Programmatic Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  **Wiolation Events  Number of Violation Events 1 27 number of violation days  **Violation Events  Number of Violation Events 1 27 number of violation days  **Wiolation Events 1 27 number of violation days  **Violation Events 1 27 number of violation days  **Good Faith Efforts to Comply		radici ed te de 🗩				
Violation Description  Violation Description  Violation Description  Failed to monitor the USTy for releases at a frequency of at least once every month front to exceed 35 days between each monitoring). Also, failed to provide release detection for the suction piping associated with the UST system. Specifically, the triennial piping tightness test had not been conducted.  Sase Penalty  \$10,000  Sase Penalty  \$		19	<u> </u>	334.50(b)(1)(A) ar	nd (b)(2) and Tex. Water (	ode 8
Violation Description  (not to exceed 35 days between each monitoring). Also, failed to provide release detection for the suction pliping associated with the UST system. Specifically, the crimenial piping tightness test had not been conducted.  **Base Penalty**  \$10,000  **Senvironmental, Property and Human Health Matrix*  **Horman Health Matrix*  **Horman Health Matrix*  **Percent**  **Percent**  **Percent**  **Percent**  **Percent**  **Described**  **Notes**  **Human health or the environment will or could be exposed to poliutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  **Section**  **Violation Events**  **Number of Violation Events**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Section**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Section**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **The Respondent does not meet the good faith criteris for this violation.  **Violation Subtotal**  **Violation Subtotal**  **Violation Subtotal**  **Violation Subtotal**  **Violation Subtotal**  **Violation Final Penalty Total**  **Violation Final Penal	•		Jo Tex. Monthly Gode 5			
>> Environmental, Property and Human Health Matrix   Harm   Release   Major   Moderate   Minor   Percent   25%	Violation C	Description	(not to exceed 35 days bet detection for the suction pi	ween each monitor ping associated wit	ring). Also, failed to provid th the UST system. Specifi	e release
OR Release Major Moderate Minor Actual Percent 25%  >> Programmatic Matrix Falsification Major Moderate Minor Percent 0%  Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  ### Adjustment 57,500  ### \$7,500  ### Adjustment 57,500  ### \$2,500  ### Violation Events    Mumber of Violation Events 1 27   Number of violation days  ### Adjustment 57,500  ### Adjustment 57,500  ### \$2,500  ### Violation Base Penalty \$2,500  ### One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  ### One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  ### Condition Subtors 50  ### Adjustment 57,500  ### Percent 25%  ### Adjustment 57,500  ### \$2,500  ### \$2,500  ### Subject Subjec					Bas	se Penalty \$10,000
Release Major Moderate Minor Potential X Percent 25%  >> Programmatic Matrix Faisification Major Moderate Minor Percent 0%  Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  **Adjustment**  \$7,500  \$2,500  **Violation Events**  Number of Violation Events 1 27 Number of violation days  **Weekly Meth an x 27 Number of violation Base Penalty 27,500  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **One monthly event is recommended from the February 28, 2012 record review date to the March 20, 2012 sc	>> Environmenta	al, Proper	ty and Human Health	Matrix		
Percent 25%  >> Programmatic Matrix Falsification Major Moderate Minor Percent 0%  Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  **Adjustment**  **T,500**  **Adjustment**  **T,500**  **Violation Events**  Number of Violation Events**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Good Faith Efforts to Comply**  One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Good Faith Efforts to Comply**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Good Faith Efforts to Comply**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Good Faith Efforts to Comply**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Good Faith Efforts to Comply**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Good Faith Efforts to Comply**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Good Faith Efforts to Comply**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Good Faith Efforts to Comply**  **One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  **Good Faith Efforts to Comply**  **One monthly event is recommen		Dolonco		Minor		
Number of Violation Events  Notes  Notes  Notes  Notes  Notes  Number of Violation Events  Number of Violation Base Penalty  Senilannual  annual  single event  Notes  Sood Faith Efforts to Comply  Ordinary  Ordinary  N/A  Notes  Notes  Notes  Notes  Notes  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal  \$2,500  Statutory Limit Test  Estimated EB Amount  \$255  Violation Final Penalty Total  \$2,500	or		Major Moderace	1411101		
Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment   \$7,500		13	x		Percent 25%	
Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment   \$7,500						
Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.  Adjustment \$7,500  \$2,500  Violation Events  Number of Violation Events 1 27 Number of violation days  daily weekly mark only one with an x which an x single event 1 27 Number of violation Base Penalty \$2,500  One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  Good Faith Efforts to Comply 0.0% Reduction 80  Extraordinary Ordinary Notes DEPREYSettlement Offer Extraordinary Ordinary Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation \$2,500  Estimated EB Amount \$256 Violation Final Penalty Total \$2,500			Major Moderate	Minor		
Notes that are protective of human health or environmental receptors as a result of the violation.    Adjustment					Percent 0%	
Notes that are protective of human health or environmental receptors as a result of the violation.    Adjustment						
Violation Events  Number of Violation Events  Number of Violation Events  Number of Violation Events  Number of Violation Events  Adally weekly monthly x weekly monthly x violation Base Penalty  Semiannual annual single event is recommended from the February 28, 2012 record review date to the March  26, 2012 screening date.  Cone monthly event is recommended from the February 28, 2012 record review date to the March  26, 2012 screening date.  Sood Faith Efforts to Comply  O.0% Reduction Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x ((mark with x)) Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Statutory Limit Test  Estimated EB Amount \$256 Violation Final Penalty Total \$2,500	Matrix H	uman health	or the environment will or co	ould be exposed to	pollutants which would exc	eed levels
\$2,500	Notes	that are pr	otective of human health or	environmental rece	eptors as a result of the vio	lation.
\$2,500	<u>L</u>					
Number of Violation Events    Number of Violation Events   1					Adjustment	\$7,500
Number of Violation Events 1 27 Number of violation days  daily weekly monthly x yount you guarterly semiannual annual single event  One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV beDPRP/Settlement Offer Extraordinary Ordinary X (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation \$256 Violation Final Penalty Total \$2,500						\$2,500
Number of Violation Events 1 27 Number of violation days  daily weekly monthly x yount you guarterly semiannual annual single event  One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV beDPRP/Settlement Offer Extraordinary Ordinary X (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation \$256 Violation Final Penalty Total \$2,500	_					
daily weekly monthly x monthly x yearlerly semiannual annual single event  One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  Good Faith Efforts to Comply 0.0% Reduction 86 Refore NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation \$2,500	Violation Events					
weekly monthly x quarterly semiannual annual single event		Number of V	iolation Events 1	2	Number of violation	days
weekly monthly x quarterly semiannual annual single event			J. N.	1		
mark only one with an x    Comparison   With an x   Wiolation Base Penalty   \$2,500						
Violation Base Penalty   \$2,300						
Annual single event  One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  Good Faith Efforts to Comply  O.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation  Statutory Limit Test Estimated EB Amount \$256  Violation Final Penalty Total \$2,500	m				Violation Bas	e Penalty \$2,500
One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.    Good Faith Efforts to Comply						
One monthly event is recommended from the February 28, 2012 record review date to the March 26, 2012 screening date.  Sood Faith Efforts to Comply  O.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A X (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$250  Violation Final Penalty Total \$2,500						
Good Faith Efforts to Comply    Comply   Complement   Com				l .		
Good Faith Efforts to Comply    Comply   Complement   Com	[ c	one monthly	event is recommended from t	the February 28, 20	012 record review date to t	he March
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation  Estimated EB Amount \$256 Violation Final Penalty Total \$2,500						
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation  Estimated EB Amount \$256 Violation Final Penalty Total \$2,500	<u>L</u>					
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$256 Violation Final Penalty Total \$2,500	<b>Good Faith Effort</b>	s to Comp			. 200	\$0
Ordinary  N/A			(printered and printered and p	NOV to EDPRP/Settlem	nent Offer	
N/A X (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$256 Violation Final Penalty Total \$2,500			·			
this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$2,500				(mark with x)		
this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$2,500			The Respond	ent does not meet	the good faith criteria for	
Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$256 Violation Final Penalty Total \$2,500			Notes		–	
Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$256 Violation Final Penalty Total \$2,500						
Estimated EB Amount \$256 Violation Final Penalty Total \$2,500					Violation	Subtotal \$2,500
Estimated EB Amount \$256 Violation Final Penalty Total \$2,500	Economic Renefit	(EB) for	this violation		Statutory Limit	Test
	ononne benefit					
This violation Final Assessed Penalty (adjusted for limits) \$2,500		Estimate	d EB Amount	\$256	Violation Final Pena	ity Total \$2,500
			This vio	lation Final Asses	ssed Penalty (adjusted f	or limits) \$2,500

Violation No.		orage Tank				Percent Interest	Years of Depreciation
						5.0	1!
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delaved Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
			Book for good finds of earlies	0.00	\$0	l n/a l	\$0
Record Keeping System							4.0
Record Keeping System Training/Sampling				0.00	\$0	n/a	\$0
Record Keeping System Training/Sampling Remediation/Disposal				0.00	\$0	n/a	\$0
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	\$1,500 Estimated o	5-Jul-2011	26-Dec-2012	0.00 0.00 0.00 1.48	\$0 \$0 \$111	n/a n/a n/a	\$0 \$0 \$111
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs	Estimated c	ost to provide rele initial investigatio	ase detection fo n date and the I	0.00 0.00 0.00 1.48 r the U	\$0 \$0 \$111 ST system at the Ite is the estimate	n/a n/a n/a Facility. The Date R d date of compliance	\$0 \$0 \$111 equired is the
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs	Estimated c	ost to provide rele initial investigatio	ase detection fo n date and the I	0.00 0.00 0.00 1.48 r the U inal Da	\$0 \$0 \$111 ST system at the ite is the estimate	n/a n/a n/a n/a Facility. The Date R d date of compliance for one-time avoic	\$0 \$0 \$111 equired is the e.
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal	Estimated c	ost to provide rele initial investigatio	ase detection fo n date and the I	0.00 0.00 0.00 1.48 r the U inal Da	\$0 \$0 \$111 ST system at the ite is the estimate ig item (except 1	n/a n/a n/a n/a n/a Facility. The Date R d date of compliance for one-time avoic \$0	\$0 \$0 \$111 equired is the e. led costs) \$0
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated c	ost to provide rele initial investigatio	ase detection fo n date and the I	0.00 0.00 0.00 1.48 r the U final Da enterir 0.00 0.00	\$0 \$0 \$111 ST system at the ste is the estimate ig item (except \$0 \$0 \$0	n/a n/a n/a n/a Facility. The Date R d date of compliance for one-time avoic \$0 \$0	\$0 \$0 \$111 equired is the e. <b>Jed costs)</b> \$0 \$0
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Spection/Reporting/Sampling	Estimated c	ost to provide rele initial investigatio	ase detection fo n date and the I	0.00 0.00 0.00 1.48 r the U inal Da enterir 0.00 0.00	\$0 \$0 \$111 ST system at the ite is the estimate ing item (except \$0 \$0 \$0	n/a n/a n/a n/a Facility. The Date R d date of compliance for one-time avoic \$0 \$0 \$0 \$0	\$0 \$0 \$111 equired is the e. <b>Jed costs)</b> \$0 \$0
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated c	ost to provide rele initial investigatio	ase detection fo n date and the I	0.00 0.00 0.00 1.48 r the Urinal Date of the Ur	\$0 \$0 \$111 ST system at the ite is the estimate sg item (except \$0 \$0 \$0 \$0	n/a n/a n/a n/a Facility. The Date R d date of compliance for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$111 equired is the e. !ed costs) \$0 \$0 \$0
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel spection/Reporting/Sampling	Estimated c	ost to provide rele initial investigatio	ase detection fo n date and the I	0.00 0.00 0.00 1.48 r the U inal Da enterir 0.00 0.00	\$0 \$0 \$111 ST system at the ite is the estimate ing item (except \$0 \$0 \$0	n/a n/a n/a n/a Facility. The Date R d date of compliance for one-time avoic \$0 \$0 \$0 \$0	\$0 \$0 \$111 equired is the e. <b>Jed costs)</b> \$0 \$0

Screening Dat		020000000000000000000000000000000000000
Case ID No Reg. Ent. Reference No		Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Enf. Coordinate Violation Number		
Rule Cite(s		
Violation Descriptio	n Failed to maintain UST records and make them immediately avail upon request by agency personnel.	able for review
		Base Penalty \$10,000
>> Environmental, Prope	erty and Human Health Matrix	
Releas		
OR Actu Potenti		0%
>>Programmatic Matrix		
Falsification		10%
<u> </u>	Percent Percent	1070
Matrix Notes	100% of the rule requirement was not met.	
La compania de la co	Adjustment	\$9,000
		\$1,000
Violation Events		
	f Violation Events 1 27 Number of vio	plation days
Number o		nation days
	daily weekly	
mark only one with an x	monthly quarterly Violatio	n Base Penalty \$1,000
with an x	semiannual annual	-
	single event x	
	One single event is recommended.	
Good Faith Efforts to Cor	nply 0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
L dd	Ordinary	
	N/A X (mark with x)	
	Notes The Respondent does not meet the good faith criteri this violation.	a for
	Vio	lation Subtotal \$1,000
Economic Benefit (EB) fo	r this violation Statutory I	Limit Test
Estima	ited EB Amount \$37 Violation Fina	l Penalty Total \$1,000
	This violation Final Assessed Penalty (adjus	sted for limits) \$1,000

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Respondent	Federal Aviation	on Administration			···::::::::::::::::::::::::::::::::	a a a a a a a a a a a a a a a a a a a	
Case ID No.	43853						
ea. Ent. Reference No.	RN105513006						والمراورة
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.						Percent Interest	Depreciation
	i de la					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
rtem pescupuon	i No Commiss of a			uka baada			ilti.Histililikkisi
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	5~Jul-2011	26-Dec-2012	1.48	\$37	n/a	\$37
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed)	Estimated co	est to maintain US	T records. The	0.00 0.00	\$0 \$0		\$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			Date is the est	0.00 0.00 Date Reimated 0.00 0.00 0.00 0.00 0.00	\$0 \$0 equired is the initial date of compliance <b>ng item (except :</b> \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a al investigation date ce.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 and the Final led costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			Date is the est	0.00 0.00 Date Reimated 0.00 0.00 0.00 0.00	\$0 \$0 equired is the initial date of compliance of item (except to \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a al investigation date ce.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 and the Final led costs) \$0 \$0 \$0 \$0
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**Compliance History Report** 

Customer/Respondent/Owner-Operator:

CN600436885

Federal Aviation Administration

RN105513006

**HUB ALSF** 

Classification: AVERAGE Classification: AVERAGE

Rating: 3.49 Site Rating: 3.01

79093

BY DEFAULT

ID Number(s):

Regulated Entity:

PETROLEUM STORAGE TANK

Location:

TCEQ Region:

REGISTRATION

**HOBBY AIRPT RUNWAY 4** 

**REGION 12 - HOUSTON** 

Date Compliance History Prepared:

March 26, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

March 26, 2007 to March 26, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Philip Aldridge

3. If YES, who is the current owner/operator?

Phone:

(512) 239-0855

### **Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

REGISTRATION

N/A

4. If YES, who was/were the prior owner(s)/operator(s)?

N/A

5. If YES, when did the change(s) in owner or operator occur? N/A

6. Rating Date: 9/1/2011 Repeat Violator:

NO

### Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. A.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

1 02/28/2012(949722)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

N/A

F. Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

H. Voluntary on-site compliance assessment dates.

Participation in a voluntary pollution reduction program.

N/A

Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



8	BEFORE THE
<b>§</b>	
§	TEXAS COMMISSION ON
§	
§	
§	ENVIRONMENTAL QUALITY
	§ §

### AGREED ORDER DOCKET NO. 2012-0678-PST-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Federal Aviation Administration ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates an underground storage tank ("UST") system for an emergency back up generator at Hobby Airport Runway 4 in Houston, Harris County, Texas (the "Facility").
- 2. The Respondent's one UST is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 4, 2012.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Eight Thousand Five Hundred Dollars (\$8,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Eight Hundred Dollars (\$6,800) of the administrative penalty and One Thousand Seven Hundred Dollars (\$1,700) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. Admin. Code § 70.10(a).
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

### II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 Tex. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii), as documented during an investigation conducted on July 5, 2011 and a record review conducted on February 28, 2012. Specifically, the delivery certificate expired on January 31, 2011.
- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during an investigation conducted on July 5, 2011 and a record review conducted on February 28, 2012. Specifically, one fuel delivery was accepted without a valid delivery certificate.

- 3. Failed to provide proper corrosion protection for the UST system, in violation of 30 TEX. ADMIN. CODE § 334.49(a) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on July 5, 2011 and a record review conducted on February 28, 2012.
- 4. Failed to monitor the UST system for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on July 5, 2011 and a record review conducted on February 28, 2012.
- 5. Failed to provide release detection for the suction piping associated with the UST system, in violation of 30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(b), as documented during an investigation conducted on July 5, 2011 and a record review conducted on February 28, 2012. Specifically, the annual piping tightness test had not been conducted.
- 6. Failed to maintain UST records and make them immediately available for review upon request by agency personnel, in violation of 30 Tex. Admin. Code § 334.10(b), as documented during an investigation conducted on July 5, 2011 and a record review conducted on February 28, 2012.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Federal Aviation Administration, Docket No. 2012-0678-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order:
    - i. Begin maintaining all UST records and ensure they are made immediately available for inspection upon request by agency personnel, in accordance with 30 TEX. ADMIN. CODE § 334.10; and
    - ii. Cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form, in accordance with 30 Tex. ADMIN. CODE § 334.8 to:

Registration and Reporting Section Permitting & Remediation Support Division, MC-129 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- b. Within 30 days after the effective date of this Agreed Order:
  - i. Install and implement a corrosion protection system for the UST system at the Facility, in accordance with 30 Tex. ADMIN. CODE § 334.49; and
  - ii. Implement a release detection method for the UST and the piping associated with the UST system at the Facility, in accordance with 30 Tex. ADMIN. CODE § 334.50.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.b.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

Federal Aviation Administration DOCKET NO. 2012-0678-PST-E Page 5

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

Federal Aviation Administration DOCKET NO. 2012-0678-PST-E Page 6

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

Federal Aviation Administration DOCKET NO. 2012-0678-PST-E Page 7

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Pen Jaily A.	12/7/12
For the Executive Director	Date
agree to the attached Agreed Order on behalf o	the attached Agreed Order. I am authorized to of the entity indicated below my signature, and I therein. I further acknowledge that the TCEQ, in laterially relying on such representation.
<ul> <li>and/or failure to timely pay the penalty amount</li> <li>A negative impact on compliance history</li> <li>Greater scrutiny of any permit application</li> <li>Referral of this case to the Attorney (additional penalties, and/or attorney fee</li> <li>Increased penalties in any future enforced</li> </ul>	y; ons submitted; General's Office for contempt, injunctive relief es, or to a collection agency;
TCEQ seeking other relief as authorized In addition, any falsification of any compliance	
Blegon A Brisk Signature	9/4/2012 Date
REGOLY A. BUSH  Name (Printed or typed)  Authorized Representative of Federal Aviation Administration	MANAGER HTSC.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.